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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/651,211

Applicant(s)

PYHALAMMI ET AL.

Examiner

WILSON TSUI

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-16, 18-20, 22-37, 48, 49, 51, 52, 54-56, 58-60 and 62-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-16, 18-20, 22-37, 48, 49, 51, 52, 54-56, 58-60 and 62-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This non-final action is in response to the RCE filed on: 03/05/09.
2. Claims 1-13, 17, 21, 38-47, 50, 53, 57 and 61 are cancelled. Claims 66 and 67 are new. Claims 14, 15, 18, 19, 20, 22,23, 24, 25, 26, 27, 28, 33, 34, 36, 37, 48, 49, 51, 52, 54, 56, 58, 59, 60, 62, 63, 64, and 65 are amended. Claims 14, 48, 54, 64, and 65 are independent claims. Thus, claims 14-16, 18-20, 22-37, 48, 49, 51, 52, 54-56, 58-60, and 62-67 are pending.
3. The following rejections are withdrawn, in view of new grounds of rejection necessitated by applicant's amendments:
 - Claims 14, 54, and 55 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al, in view of Moore et al, and further in view of Kobayashi et al.
 - Claims 15-23, 25-27, 29-32, 34-37, and 56-62 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al, in view of Moore et al, in view of Kobayashi et al, and further in view of Rothmuller et al.
 - Claims 24, and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al, in view of Moore et al, in view of Kobayashi et al, in view of Rothmuller et al, and further in view of Takahashi et al.
 - Claim 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al, in view of Moore et al, in view of Kobayashi et al, in view of Rothmuller et al, and further in view of Wang et al.
 - Claim 48 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al, in further view of Nagaoka.

- Claims 49-52 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al, in view of Nagaoka, and further in view of Rothmuller et al.
- Claim 53 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al, in view of Rothmuller et al, in view of Stubler et al, in view of Wang et al, and further in view of Nagaoka.
- Claims 64 and 65 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al, in view of Moore et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14, 15, 18, 19, 20, 22, 23, 29, 30, 34, 54, 55, are newly rejected; and 64 and 65 remain rejected, under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al (US Application: US 2001/0015756 A1, published: Aug. 23, 2001, filed: Feb. 20, 2001), in view of Moore et al (US 20040189707, published: Sep. 30, 2004, filed: May 27, 2003).

With regards to claim 14, Wilcock et al teaches *a server, comprising:*

- *A memory (paragraph 0158: whereas a server is used to store images and metadata)*
- *A communications interface configured to connect to a user device through communication network (Fig 17, paragraph 00158: whereas, information is communicated through wireless GSM network)*
- *A processor configured to: control storage in the memory, of at least one image received from the user device through the communication network to the apparatus (paragraph 0158: whereas, the server is used to store images and metadata), each image having associated metadata categorizing said image according to at least two schemes, wherein said at least two schemes include at least one of an image date, an image location (paragraph 0038: whereas, a date schema, and a location schema is implemented, such that they are stored in external storage, such as a server (paragraph 0158)), each image is stored in a database at the memory, the database including at least one virtual folder corresponding to each of the at least two metadata schemes each image stored in a single location within memory (Fig 3, paragraphs 0038, 0052, and 0053: whereas, when the images are stored in a database in memory, they include at least one virtual folder corresponding to a collective date, and location schema). However, Wilcock et al does not expressly teach each virtual folder including a pointer to the image location; and, control providing of a user interface with the at least one virtual folder corresponding to each of the at least two metadata schemes, control displaying in the user interface simultaneous indications of*

years, months, and days that are available for sequential user selection; control displaying of an indication of selectable years for which there are stored images having metadata corresponding to an indicated year; control displaying of an indication of selectable months for which there are stored images having metadata corresponding to an indicated month; and control displaying of an indication of selectable days for which there are stored images having metadata corresponding to an indicated day.

Yet, Moore et al teaches *each virtual folder including a pointer to the image location; and, control providing of a user interface with the at least one virtual folder corresponding to each of the at least two metadata schemes* (Abstract: whereas a user interface is implemented such that virtual folders are implemented to allow for exposing regular files and folders based on metadata. Whereas a user interface (paragraph 0014) has at least one virtual folder that corresponds to at least two metadata schemes/properties (claim 56 of Moore et al). The virtual folders can include files such as photos/images (claim 58 of Moore et al)). Additionally, Moore et al teaches *control displaying in the user interface simultaneous indications of years, months, and days that are available for sequential user selection* (Fig 10, Fig 28, paragraphs 0129, 0130: whereas, flexible filter options can be made available, including years, months, and date); *control displaying of an indication of selectable years for which there are stored images having metadata corresponding to an indicated year* (Fig 10: whereas, years corresponding to stored images can be selected); *control displaying of an indication of*

selectable months for which there are stored images having metadata corresponding to an indicated month (Fig 28: whereas months corresponding to stored images can be selected); *and control displaying of an indication of selectable days for which there are stored images having metadata corresponding to an indicated day* (Fig 29, paragraph 0104: whereas a specific day/or date can be used as a selectable filtering option).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al's image database storage and processing apparatus, such that the image storage system includes the ability to use virtual folders for specific schemes/metadata-combinations for accessing photos, as taught by Moore et al. The combination of Wilcock et al and Moore et al would have allowed Wilcock et al to have reduced the need for users having to search through a disk and make guesses as to where a file is stored (Moore et al, paragraph 0010).

With regards to claim 15, which depends on claim 14, Wilcock et al teaches *wherein at least one of the schemes comprises image date* (as similarly explained in the rejection for claim 14, and is rejected under the same rationale). Additionally, Wilcock et al and Moore et al teaches *wherein the processor is further configured to perform steps comprising: control displaying information regarding images corresponding to the selected one or more indications of years, months, and days* (as similarly explained in the rejection for claim 14, whereas, Moore et al's display method further includes

displaying one or more image/photo names with respect to a year selection (paragraphs 0104, 0128 of Moore et al).

With regards to claim 18, which depends on claim 14, Wilcock et al, and Moore et al teach wherein the processor is further configured to perform steps comprising: control displaying of selecting a date component (such as a year) and displaying upon selection of a year (as explained in the rejection for claim 14). Additionally, Moore et al's teachings of using a user interface for selecting filtering/group criteria, as discussed in the rejection for claim 14, further include selecting filtering/group criteria such that the user interface displays *an indication of the months of the selected year for which there are stored images having metadata corresponding to an indicated month* (Fig. 28, Fig. 29, paragraphs 0129 and 130: whereas, based on one or more filter criteria, a drop down list of available items is shown (such as a list of available months, in a 'months group'). The filter criteria and list are dynamic with respect to available documents/photos for various criteria/groups/stacks as explained in paragraph 0088 and 0089). As explained in the rejection for claim 14, those criteria include years, months, and day(s)).

With regards to claim 19, which depends on claim 18, the combination of Wilcock et al, and Moore et al similarly teaches teach control *displaying of, upon selection of a month, an indication of the days of the selected month for which there are stored*

images having metadata corresponding to an indicated day, as similarly explained in the rejection for claim 18, and is rejected under similar rationale.

With regards to claim 20, which depends on claim 19, Wilcock et al, and Moore et al similarly teaches control displaying of, *upon selection of a month, an indication of the days of the selected month for which there are stored images having metadata corresponding to an indicated day*, as similarly explained in the rejection for claim 18, and is rejected under the same rationale.

With regards to claim 22, which depends on claim 21, Wilcock et al, and Moore et al teaches:

- *Designate, upon selection of a year or month prior to selection of a day, a day of the selected year or month in which there are available images*, as similarly explained in the rejection for claim 18, and is rejected under similar rationale.
- *Control displaying of, prior to selection of a day, information regarding images having metadata corresponding to the designated day* (whereas, as explained in the combination of Wilcock et al and Moore et al, for claim 14, Moore et al teaches a user interface for displaying and selecting. Additionally, Moore et al further teaches the displaying further includes displaying image/document names (Fig. 11) as a result from filtering, and that the displayed filtered list is updated as a result of a sequence of filtering (paragraphs 0129, and 0130)).

With regards to claim 23, Wilcock et al, and Moore et al teaches: the processor is configured to choose a day of the selected month in which there are available images, as similarly explained in the rejection for claim 18, and is rejected under the same rationale. However, Wilcock et al, and Moore et al do not expressly teach randomly choose a day.

Yet, random data/number generation is well known in the art. The examiner takes OFFICIAL NOTICE of this fact.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al, Moore et al, and Rothmuller et al's method for designating/choosing a day, such that the day that is chosen using a random data/day generation, as well known in the art. The combination would have allowed a user of Wilcock et al's system to have automatically selected a day, for image selection/search.

With regards to claim 29, which depends on claim 14, Wilcock et al, and Moore et al teaches *at least one date scheme, comprises, at least two subcategories* (one being a year of image creation, and the other being a month of image creation), as explained in the rejection for claim 14, and is rejected under the same rationale. Additionally, the date scheme that Moore et al teaches further includes each *image* [being] *indexed by each applicable subcategory* (paragraph 0129 and 0130: whereas images are indexed according to years and days. The indexing accomplished through indexing by properties or "stacking" as explained in paragraph 0092).

With regards to claim 30, which depends on claim 29, Wilcock et al, and Moore et al similarly teach *wherein the at least one scheme*, as similarly explained in the rejection for claim 14). Additionally, Moore et al's user interface selection scheme, as explained in the rejection for claim 14, further includes the at least one scheme *comprises image date, and wherein the subcategories comprise year of image creation and month of image creation* (paragraph 0106: whereas documents include photos/images, and those documents can be organized by year or date, as shown in Fig 10, 28, and 29).

With regards to claim 34, which depends on claim 14, the combination of Wilcock et al and Moore teach a user interface for *receiving a selection, and displaying information*, as similarly explained in the rejection for claim 14, and is rejected under similar rationale. Furthermore, Moore's method for *selection and displaying as* explained in the rejection for claim 14, further include *displaying information about images, and receiving a selection* (Fig 10: whereas a filtered stack is shown as information), *displaying information about images in a first image group* (Fig 28, paragraph 0129: whereas a filtered stack is updated when a filter selection is made, such as a month group), *displaying information about additional image groups of which the first image is also a member* (Fig 28: whereas, the image can be a member of several image groups, the image groups shown by the selected filter options), and *displaying upon selection from the additional image groups of a second image group, information about images in the second image group* (Fig 29, paragraph 0130: whereas

a filtered stack is updated for display when another image group such as a day image group is selected from filter options), *receiving a selection of a first image from the first group and receiving a selection of a second image group from the additional image groups* (paragraphs 0129 and 0130: whereas based on a first selected image group/filter, a second selection/filter is made from other filter options).

With regards to claim 54, for a method, which is similar to the method performed by the apparatus of claim 14, is rejected under similar rationale.

With regards to claim 55, which depends on claim 54, for a method, which is similar to the method performed by the apparatus of claim 14, is rejected under similar rationale.

With regards to claim 64, Wilcock et al teaches an apparatus comprising:

A memory; a communications interface configured to connect to a user device through a communication network; and a processor configured to: store, in the memory, at least one image received from the user device through the communication network, each received image having associated metadata categorizing said image according to at least two schemes, wherein said at least two schemes include at least one of an image data, an image location and one or more image subjects, and each image is stored in a database at the memory, the database including at least one virtual folder corresponding to each of the at least two metadata schemes, as similarly explained in the rejection for claim 14, and is rejected under similar rationale.

However, Wilcock et al does not expressly teach *each image being stored in a single location within the memory, and each virtual folder including a pointer of the image location, wherein the processor is configured to identify, after selection of an image in one virtual folder by a user, other images having metadata in common with the selected image, wherein the common metadata is metadata other than the metadata utilized to initially create the virtual folder; control providing of a user interface with the at least one virtual folder; control displaying in the user interface simultaneous indications of years, months and days that are available for sequential user selection; control displaying of an indication of selectable years for which there are stored images having metadata corresponding to an indicated year; control displaying of an indication of selectable months for which there are stored images having metadata corresponding to an indicated month; and control displaying of an indication of selectable days for which there are stored images having metadata corresponding to an indicated day.*

Yet, Moore et al teaches *each image being stored in a single location within the memory, and each virtual folder including a pointer of the image location, wherein the processor is configured to identify, after selection of an image in one virtual folder by a user, other images having metadata in common with the selected image, wherein the common metadata is metadata other than the metadata utilized to initially create the virtual folder* (Abstract: whereas a user interface is implemented such that virtual folders are implemented to allow for exposing regular files and folders based on metadata.

Whereas a user interface (paragraph 0014, 0019) has at least one virtual folder that corresponds to at least two or more metadata schemes/properties (claim 56 of Moore et al), the one or more files selected by a user, and other images having metadata in common with the selected filter property of one or more images are displayed upon request. The virtual folders can include files such as photos/images (claim 58 of Moore et al))). Additionally, Moore et al teaches *control providing of a user interface with the at least one virtual folder; control displaying in the user interface simultaneous indications of years, months and days that are available for sequential user selection* (Fig 10, Fig 28, paragraphs 0129, 0130: whereas, flexible filter options can be made available, including years, months, and date); *control displaying of an indication of selectable years for which there are stored images having metadata corresponding to an indicated year* (Fig 10: whereas, years corresponding to stored images can be selected); *control displaying of an indication of selectable months for which there are stored images having metadata corresponding to an indicated month* (Fig 28: whereas months corresponding to stored images can be selected); *and control displaying of an indication of selectable days for which there are stored images having metadata corresponding to an indicated day* (Fig 29, paragraph 0104: whereas a specific day/or date can be used as a selectable filtering option).

It would have been obvious to one of the ordinary skill in the art to have modified Wilcock et al's apparatus, to have further modified the image storage system, such that an interface that implements virtual folders that show images having common metadata

for accessing photos, as taught by Moore et al. The combination of Wilcock et al and Moore et al would have allowed Wilcock et al to have reduced the need for users having to search through a disk and make guesses as to where a file is stored (Moore et al, paragraph 0010).

With regards to claim 65, Wilcock et al teaches a method comprising:

In an apparatus comprising a memory, a communications interface configured to connect to communication network, and a processor, storing, in the memory, images transmitted through the communication network, each image having associated metadata categorizing said image according to at least two schemes, and storing the images in a database at the memory, the database including at least one virtual folder corresponding to each of the at least two metadata schemes, as similarly explained in the rejection for claim 14, and is rejected under similar rationale.

However, Wilcock et al does not expressly teach a copy of each image being stored in a single location within the memory, each virtual folder including a pointer to the image location, wherein the processor is configured to identify, after selection of an image in one virtual folder by a user, other images having metadata in common with the selected image, wherein the common metadata is metadata other than the metadata utilized to create the virtual folder; Controlling providing of a user interface with the at least one virtual folder, controlling displaying in the user interface simultaneous indications of years, months and days that are available for sequential user selection, controlling

displaying of an indication of selectable years for which there are stored images having metadata corresponding to an indicated year, controlling displaying of an indication of selectable months for which there are stored images having metadata corresponding to an indicated month, and controlling displaying of an indication of selectable days for which there are stored images having metadata corresponding to an indicated day.

Yet, Moore et al teaches a copy of each image being stored in a single location within the memory, each virtual folder including a pointer to the image location, wherein the processor is configured to identify, after selection of an image in one virtual folder by a user, other images having metadata in common with the selected image, wherein the common metadata is metadata other than the metadata utilized to initially create the virtual folder (Abstract: whereas a user interface is implemented such that virtual folders are implemented to allow for exposing regular files and folders based on metadata. Whereas a user interface (paragraph 0014, 0019) has at least one virtual folder that corresponds to at least two or more metadata schemes/properties (claim 56 of Moore et al), the one or more files selected by a user, and other images having metadata in common with the selected filter property of one or more images are displayed upon request. The virtual folders can include files such as photos/images (claim 58 of Moore et al))). Additionally, Moore et al teaches *controlling providing of a user interface with the at least one virtual folder, controlling displaying in the user interface simultaneous indications of years, months and days that are available for sequential user selection* (Fig 10, Fig 28, paragraphs 0129, 0130: whereas, flexible filter options can be made

available, including years, months, and date), *controlling displaying of an indication of selectable years for which there are stored images having metadata corresponding to an indicated year* (Fig 10: whereas, years corresponding to stored images can be selected), *controlling displaying of an indication of selectable months for which there are stored images having metadata corresponding to an indicated month* (Fig 28: whereas months corresponding to stored images can be selected), *and controlling displaying of an indication of selectable days for which there are stored images having metadata corresponding to an indicated day* (Fig 29, paragraph 0104: whereas a specific day/or date can be used as a selectable filtering option).

It would have been obvious to one of the ordinary skill in the art to have modified Wilcock et al's apparatus, to have further modified the image storage system, such that an interface that implements virtual folders that show images having common metadata for accessing photos as taught by Moore et al. The combination of Wilcock et al and Moore et al would have allowed Wilcock et al to have reduced the need for users having to search through a disk and make guesses as to where a file is stored (Moore et al, paragraph 0010).

5. Claims 16, 25-27, 31, 32, 35-37, 56, 58-60, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al (US Application: US 2001/0015756 A1, published: Aug. 23, 2001, filed: Feb. 20, 2001), in view of Moore et al (US 2004/0189707, published: Sep. 30, 2004, filed: May 27, 2003), and further in view of

Rothmuller et al (US Application: US 2003/0033296 A1, published: Feb. 13, 2003, filed: Jul. 17, 2002)

With regards to claim 16, which depends on claim 14, Wilcock et al, and Moore et al teaches *wherein information regarding images* as similarly explained in the rejection for claim 15, and is rejected under the same rationale.

However, the combination of Wilcock et al, and Moore et al do not expressly teach wherein information regarding images *comprises thumbnail images of the images*.

Yet, Rothmuller et al teaches information regarding images *comprises thumbnail images of the images*, (Fig 1, paragraph 0030: whereas, a user specifies in the search criteria a lower bound and upper bound comprising a specific year, month, and day by means of a time line, and the images are displayed as thumbnails in a user interface). It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al and Moore et al's scheme filtration/selection system, to have further included displaying information regarding images in the form of thumbnail images, as explained by Rothmuller et al. The combination of Wilcock et al, Moore et al, and Rothmuller et al would have allowed Wilcock et al to have "selected, sorted, organized, and found objects based on their tagged metadata content" (Rothmuller et al, paragraph 0004).

With regards to claim 25, which depends on claim 14, the combination of Wilcock et al, and Moore et al, teaches *providing a user interface to select a date component of*

a displayed region, as similarly explained in the rejection for claim 14. However, the combination of Wilcock et al and Moore et al do not expressly teach control providing of a user interface to select *a map subregion of a displayed map region, and control displaying of, upon selection of the map subregion, information regarding images having metadata corresponding to the selected map subregion.*

Yet, Rothmuller et al teaches control providing of a user interface to select *a map subregion of a displayed map region, and control displaying of, upon selection of the map subregion, information regarding images having metadata corresponding to the selected map subregion* (Fig 1, reference numbers 100 and 250, paragraph 0030: whereas a map of time is displayed in a timeline and a subregion/time-period can be used to search for matching objects in a database, and information, such as thumbnails are displayed).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al and Moore et al's user interface, such that the user interface could have further included selection of a map subregion, as taught by Rothmuller et al. The combination would have allowed Wilcock to have "easily located photos of particular interest, without having to remember large amounts of information to locate them" (Rothmuller et al, paragraphs 0002 and 0003).

With regards to claim 26, which depends on claim 25, the combination of Wilcock et al, Moore et al, and Rothmuller et al teaches *the step of displaying, as part of the user interface to select a subregion, an indication of the subregions for which there are*

stored images having metadata corresponding to an indicated subregion, as similarly explained in the rejection for claim 25 (since the time line used indicates further subregions that have metadata corresponding to an indicated subregion), and is rejected under similar rationale.

With regards to claim 27, which depends on claim 25, the combination of Wilcock et al, Moore et al, and Rothmuller et al teaches *providing a user interface to select a sub-subregion of the selected subregion, the interface comprising an indication of the sub-subregions for which there are stored images having metadata corresponding to an indicated sub-subregion*, as similarly explained in the rejection for claim 25 (since the month of the calendar is indicative of a sub region, and there are marked days that indicate of particular sub-subregions for which there are stored images having metadata corresponding to an indicated sub-region), and is rejected under similar rationale.

With regards to claim 31, which depends on claim 29, the combination of Wilcock et al, and Moore et al similarly teach the each image being indexed by an applicable subcategory, as explained in the rejection for claim 29. However the combination of Wilcock and Moore et al do not expressly teach *a scheme comprising one or more image subjects, and wherein the the subcategories comprises individual subjects of at least one multisubject image*.

Yet, Rothmuller et al further teaches the subcategories to include a scheme comprising *one or more image subjects* (paragraph 0025: whereas, an image subject

includes the subject of a photo/image), *and wherein the subcategories comprises individual subjects of at least one multisubject image* (paragraph 0025: whereas an image subject further includes individual subjects, such as place or event where the photo was taken.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Wilcock et al and Moore et al's indexing scheme, such that the scheme comprises one or more image subjects, as taught by Rothmuller et al. The combination of Wilcock et al, Moore et al, and Rothmuller et al would have allowed Wilcock et al to have "easily located photos of particular interest, without having to remember large amounts of information to locate them" (Rothmuller et al, paragraphs 0002 and 0003).

With regards to claim 32, which depends on claim 29, Wilcock et al, and Moore et al similarly teaches *at least one* scheme, as similarly explained in the rejection for claim 29, and is rejected under similar rationale. However, Wilcock et al and Moore et al do not expressly teach that the at least one scheme *comprises image location, and wherein the subcategories comprises a region and subregion*.

Yet, Rothmuller teaches a scheme further *comprises image location* (paragraph 0025: whereas, image location includes the city name), *and wherein the subcategories comprises a region and a subregion* (paragraph 0030: whereas, the image location scheme, can further include subcategories of region (country) and subregion (city) as explained in paragraph 0037).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al and Moore et al's scheme, such that the scheme would have included a location, and the subcategories comprise a region, and subregion, as taught by Rothmuller et al. The combination of Wilcock et al, Moore et al, and Rothmuller et al would have allowed Wilcock et al to have "easily located photos of particular interest, without having to remember large amounts of information to locate them" (Rothmuller et al, paragraphs 0002 and 0003).

With regards to claim 35, which depends on claim 34, the combination of Wilcock et al, Moore et al, and Rothmuller et al teaches:

- *One of the schemes is one or more image subjects*, as similarly explained in the rejection for claim 31, and is rejected under similar rationale.

The first image has associated metadata categorizing the image according to multiple subjects of the image, as similarly explained in the rejection for claim 31, and is rejected under similar rationale.

Additionally, as explained in the combination for claim 31, Rothmuller et al's schemes comprising one or more image subjects further include:

- *The first image group comprises other images having metadata corresponding to one of the multiple subjects* (Rothmuller et al, paragraph 0038: whereas, the first image group / "best match" group comprises other images having metadata corresponding to one of the multiple subjects/tags).

- *The second image group comprises images having metadata corresponding to another of the multiple subjects (Rothmuller et al, paragraph 0038: whereas, the second image group , such as the “close match” group comprises images having metadata corresponding to another of the multiple subjects)*

With regards to claim 36, which depends on claim 14, the combination of Wilcock, and Moore et al, teach:

wherein one of the schemes comprises image date (as similarly explained in the rejection for claim 14, and is rejected under similar rationale), and wherein the processor is further configured to perform steps comprising: providing a user interface to select at least one date component comprising a year, a month or a day (as similarly explained in the rejection for claim 15, and is rejected under similar rationale), displaying information regarding images in a date-based group, each image in the date-based group having metadata corresponding to the selected date component (whereas, when a month is selected, information about the images corresponding to the month are displayed, as similarly explained in the rejection for claim 18, is rejected under similar rationale), receive a selection of an image in the date-based group (as similarly explained in the rejection for claim 34, and is rejected under similar rationale), displaying information about first and second subject-based groups (as similarly explained in the rejection for claim 34, and is rejected under similar rationale)

However, the combination of Wilcock and Moore et al do not expressly teach *one of the schemes comprises one or more image subjects, the first subject-based group containing images having metadata corresponding to a first subject of the selected image, and the second subject-based group containing images having metadata corresponding to a second subject of the selected image, receive a selection of the first subject-based, and displaying information regarding images in the first subject-based group.*

Yet, Rothmuller et al teaches *one of the schemes comprises one or more image subjects* (paragraph 0025: *whereas, an image subject includes the subject of a photo/image*), *, the first subject-based group containing images having metadata corresponding to a first subject of the selected image* (Rothmuller et al, paragraph 0038: *whereas, the first image group / "best match" group comprises other images having metadata corresponding to one of the multiple subjects/tags*), *and the second subject-based group containing images having metadata corresponding to a second subject of the selected image* (Rothmuller et al, paragraph 0038: *whereas, the second image group , such as the "close match" group comprises images having metadata corresponding to another of the multiple subjects*), *receiving a selection of the first subject-based group, and displaying information regarding images in the first subject-based group* (Rothmuller et al, paragraph 0038: *whereas, selecting first image group / "best match" group comprises other images having metadata corresponding to one of the multiple subjects/tags for retrieval/display (Fig 1)*)).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock and Moore et al's method for implementing schemes, to have further included schemes for subject based groups, as taught by Rothmuller et al. The combination would have allowed Wilcock et al to have "easily located photos of particular interest, without having to remember large amounts of information to locate them" (Rothmuller et al, paragraphs 0002 and 0003).

With regards to claim 37, which depends on claim 14, Rothmuller et al teaches displaying information about images, as similarly explained in the rejection for claim 15. Additionally, Rothmuller et al further teaches the displaying of information about images further includes only displaying *stored images for multiple users, wherein the images are organized by user*: whereas, as explained in paragraph 0020, when a sharing profile is implemented such that pictures can only be shared between multiple users, when they certain user metadata conditions are satisfied).

With regards to claim 56, which depends on claim 54, for a method that is similar to the method performed by the apparatus of claim 15, is rejected under similar rationale.

With regards to claim 58, which depends on claim 54, for a method that is similar to the method performed by the apparatus of claim 18, is rejected under similar rationale.

With regards to claim 59, which depends on claim 54, for a method that is similar to the method performed by the apparatus of claim 19, is rejected under similar rationale.

With regards to claim 60, which depends on claim 54, for a method that is similar to the method performed by the apparatus of claim 20, is rejected under similar rationale.

With regards to claim 62, which depends on claim 54, for a method that is similar to the method performed by the apparatus of claim 36, is rejected under similar rationale.

6. Claims 24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al (US Application: US 2001/0015756 A1, published: Aug. 23, 2001, filed: Feb. 20, 2001), in view of Moore et al (US 20040189707, published: Sep. 30, 2004, filed: May 27, 2003), and further in view of Takahashi et al (US Patent: 5,537,528, issued: Jul. 16, 1996, filed: Feb. 16, 1993).

With regards to claim 24, which depends on claim 22, Wilcock et al, and Moore et al teaches choosing /selecting a day in which there are images, as similarly

explained in the rejection for claim 19, and is rejected under similar rationale. However, Wilcock et al, and Moore et al does choosing the first day in a numerically ordered series of days.

Takahashi et al teaches choosing images in chronological order (column 4, lines 33-47). It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al, and Moore et al day selection, such that the day is chosen in chronological order (thus choosing a first day among an ordered series of days), as taught by Takahashi et al. The combination would have allowed Wilcock et al to have "enabled the user to select and rearrange scenes" (column 4, lines 6-10).

With regards to claim 28, which depends on claim 14, Wilcock et al, and Moore et al teach to *groupe, upon designation of stored images by a user, the designated images into a user defined image folder*, as similarly explained in the rejection for claim 14, and is rejected under similar rationale. However, Wilcock et al, and Moore et al do not expressly teach to *groupe, upon designation of stored images by a user, the designated images into a user-defined image folder, and grouping, upon designation of one or more image folders by a user, the designated folders into a higher level folder*. However, Takahashi et al teaches *grouping, upon designation of stored images by a user, the designated images into a user-defined image node, and grouping, upon designation of one or more image nodes by a user, the designated nodes into a higher level node* (Fig 1a, Fig 1b: whereas, scenes are grouped upon designation of one or more nodes by a user, the designated nodes into a higher level node).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al, and Moore et al image folder storage system, such that the images are grouped into folders using a hierarchical grouping technique taught by Takahashi et al. The combination would have allowed Wilcock to have implemented image/scene "information indicative of a hierarchical relationship of ... scenes" (Takahashi et al, claim 3).

7. Claim 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al (US Application: US 2001/0015756 A1, published: Aug. 23, 2001, filed: Feb. 20, 2001), in view of Moore et al (US 20040189707, published: Sep. 30, 2004, filed: May 27, 2003), , and further in view of Wang et al (US Patent: 5,802,361, issued: Sep. 1, 1998, filed: Sep. 30, 1994)

With regards to claim 33, which depends on claim 14, Wilcock et al, and Moore et al teach *selecting an image*, as similarly explained in the rejection for claim 14. However, Wilcock et al, and Moore et al do not expressly teach *expressly teach to identify, after selection of an image by a user, other images having metadata in common with the selected image, wherein the common metadata is metadata other than the metadata utilized to initially search for the selected image.*

Wang et al teaches to *identify, after selection of an image by a user, other images having metadata in common with the selected image, wherein the common metadata is metadata other than the metadata utilized to initially search for the selected image*

(column 27, lines 1-10: whereas, the user selects an image, metadata/attributes of other images having metadata/attributes in common with the selected image(s), are identified).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al, and Moore et al's image selection system, to have further included the ability to identify other images having metadata in common with one or more selected images, as taught by Wang et al. The combination would have allowed Wilcock et al to have "retrieved images according to their similarity measures" (Wang et al, Abstract).

8. Claim 48 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al (US Application: US 2001/0015756 A1, published: Aug. 23, 2001, filed: Feb. 20, 2001), in further view of Moore et al (US 20040189707, published: Sep. 30, 2004, filed: May 27, 2003), and further in view of Nagaoka (US Patent: 6992710, issued: Jan. 31, 2006, filed: Mar. 2, 2001).

With regards to claim 48, Wilcock et al teaches *a server, comprising:*

Controlling storage of images transmitted through the wireless communication network in a memory (paragraph 0158: whereas, the server is used to store images and metadata), *each image having associated metadata categorizing said image according to at least two schemes, wherein said at least two schemes include at least one of an image date, an image location* (paragraph 0038: whereas, a date

schema, and a location schema is implemented, such that they are stored in external storage, such as a server (paragraph 0158)), *and the images are stored in a database having at least one virtual folder corresponding to each of the at least two metadata schemes* (Fig 3, paragraphs 0038, 0052, and 0053: whereas, when the images are stored in a database in memory, they include at least one virtual folder corresponding to a collective date, and location schema). However, Wilcock et al does not expressly teach *a copy of each image being stored in a single location within the memory, each virtual folder including a pointer to the image location, controlling providing of a user interface with the at least one virtual folder, controlling displaying in the user interface simultaneous indications of interface of years, months, and days that are available for sequential user selection, controlling displaying of an indication of selectable years for which there are stored images having metadata corresponding to an indicated year, controlling displaying of an indication of selectable months for which there are stored images having metadata corresponding to an indicated month, and controlling displaying of an indication of selectable days for which there are stored images having metadata corresponding to an indicated day.*

However, Moore et al teaches *controlling providing of a user interface with the at least one virtual folder* (Abstract: whereas a user interface is implemented such that virtual folders are implemented to allow for exposing regular files and folders based on metadata. Whereas a user interface (paragraph 0014) has at least one virtual folder that corresponds to at least two metadata schemes/properties (claim 56 of

Moore et al), *controlling displaying in the user interface simultaneous indications of interface of years, months, and days that are available for sequential user selection* (Fig 10, Fig 28, paragraphs 0129, 0130: whereas, flexible filter options can be made available, including years, months, and date), *controlling displaying of an indication of selectable years for which there are stored images having metadata corresponding to an indicated year* (Fig 10: whereas, years corresponding to stored images can be selected), *controlling displaying of an indication of selectable months for which there are stored images having metadata corresponding to an indicated month* (Fig 28: whereas months corresponding to stored images can be selected), *and controlling displaying of an indication of selectable days for which there are stored images having metadata corresponding to an indicated day* (Fig 29, paragraph 0104: whereas a specific day/or date can be used as a selectable filtering option).

Yet, Wilcock et al and Moore et al do not expressly teach *a copy of each image being stored in a single location within the memory, each virtual folder including a pointer to the image location*.

Yet, Nagaoka teaches *a copy of each image being stored in a single location within the memory, each virtual folder including a pointer to the image location* (Fig 3: whereas each Virtual folder/directory includes a pointer to the single image location).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al and Moore et al's virtual folder/database system, such that each folder/directory includes a pointer to a single image location,

as similarly taught by Nagaoka. The combination of Wilcock et al, Moore et al, and Nagaoka would have allowed Wilcock et al to have "improved the convenience of users in file management improved effectively by enabling the user to give an arbitrary file name and directory name with maintaining the compatibility with the existing file management structure" (Nagaoka, column 1, lines 55-64)

9. Claims 49-52 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al (US Application: US 2001/0015756 A1, published: Aug. 23, 2001, filed: Feb. 20, 2001), in view of Moore et al (US 20040189707, published: Sep. 30, 2004, filed: May 27, 2003), in view of Nagaoka (US Patent: 6992710, issued: Jan. 31, 2006, filed: Mar. 2, 2001), and further in view of Rothmuller et al (US Application: US 2003/0033296 A1, published: Feb. 13, 2003, filed: Jul. 17, 2002).

With regards to claim 49, which depends on claim 48, Wilcock et al and Moore et al teaches *wherein at least one of the schemes comprises image date* (as similarly explained in the rejection for claim 48, and is rejected under the same rationale), *and comprising additional instructions for performing: providing a user interface to select at least one date, and displaying information regarding images corresponding to the selected date* (paragraph 0088-0094: whereas a user uses a filter control in a user interface to specify images corresponding to a specific date). However, Wilcock et al and Moore et al does not expressly teach providing a user interface to select at least one date *component, comprising a year, a month, or a day.*

Rothmuller et al teaches providing a user interface to *select at least one date-scheme component comprising a year, a month or a day*, and displaying information about the images (Fig 1, paragraph 0030: whereas, a user specifies in the search criteria a lower bound and upper bound comprising a specific year, month, and day by means of a time line, and the images are displayed as thumbnails in a user interface).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al and Moore et al's scheme filtration/selection system, to have further included specifying specific date-scheme criteria, including year, month, and day as explained by Rothmuller et al. The combination of Wilcock et al, Moore et al, Nagaoka, and Rothmuller et al would have allowed Wilcock et al to have "selected, sorted, organized, and found objects based on their tagged metadata content" (Rothmuller et al, paragraph 0004).

With regards to claim 51, which depends on claim 48, the combination of Wilcock et al, Moore et al, Nagaoka, and Rothmuller et al teaches *providing a user interface to select a date component of a displayed region*, as similarly explained in the rejection for claim 49, and is rejected under similar rationale. Additionally, as explained in the rejection for claim 49, selecting a date component, via a time line. This time line, as further explained by Rothmuller et al, is used to "indicate a time period that can be used to search for matching objects in a database", and thus, a time period, is a *subregion of time in a displayed region* (Fig 1, reference number 100: a subregion display of days,

reference number 250: a subregion display of months and days)). The displayed region in Fig 1, reference 100, shows *images having metadata corresponding to the selected subregion*.

With regards to claim 52, which depends on claim 48, the combination of Wilcock, Moore et al, Nagaoka, and Rothmuller et al teach:
wherein one of the schemes comprises image date (as similarly explained in the rejection for claim 49, and is rejected under similar rationale) *and one of the schemes comprises one or more image subjects* (Rothmuller et al's paragraph 0025: whereas, an image subject includes the subject of a photo/image), *and wherein the processor is further configured to perform steps comprising: providing a user interface to select at least one date component comprising a year, a month or a day* (as similarly explained in the rejection for claim 49, and is rejected under similar rationale), *displaying information regarding images in a date-based group, each image in the date-based group having metadata corresponding to the selected date component* (whereas, when a month is selected, information about the images corresponding to the month are displayed, as similarly explained in the rejection for claim 58, is rejected under similar rationale), Additionally, Rothmuller et al further teaches *receiving a selection of an image in the date-based group* (as similarly explained in the rejection for claim 34, and is rejected under similar rationale), *displaying information about first and second subject-based groups* (as similarly explained in the rejection for claim 34, and is rejected under similar rationale), *the first subject-based group containing images having metadata*

corresponding to a first subject of the selected image (as similarly explained in the rejection for claim 35, and is rejected under similar rationale), *and the second subject-based group containing images having metadata corresponding to a second subject of the selected image* (as similarly explained in the rejection for claim 35, and is rejected under similar rationale), *receiving a selection of the first subject-based group* (as similarly explained in the rejection for claim 34, and is rejected under similar rationale), *and displaying information regarding images in the first subject-based group* (as similarly explained in the rejection for claim 34, and is rejected under similar rationale).

10. Claims 63, 66, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al (US Application: US 2001/0015756 A1, published: Aug. 23, 2001, filed: Feb. 20, 2001), in view of Moore et al (US 20040189707, published: Sep. 30, 2004, filed: May 27, 2003), and further in view of Kobayashi et al (US Application: 2003/0217118, published: Nov. 20, 2003, EEFD: May 16, 2002).

With regards to claim 63, Wilcock et al, and Moore et al teaches *wherein the user interface*, as similarly explained in the rejection for claim 14, and is rejected under similar rationale. However, Wilcock et al, Moore et al do not expressly teach wherein the user interface *is delivered to the mobile device*.

Yet, Kobayashi et al teaches *wherein the user interface is delivered to the mobile device* (paragraph 0040: whereas the user interface is used and controlled through a mobile

device. The mobile device communicating in a wireless communication network (paragraph 0052))

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al and Moore et al's method for implementing a user interface, such that, the user interface can be delivered to a mobile device, as taught by Kobayashi et al. The combination of Wilcock et al, Moore et al, and Kobayashi would have allowed Wilcock et al to have "efficiently have displayed an album on a portable communication terminal" (Kobayashi et al, paragraph 0007).

With regards to claim 66, which depends on claim 14, Wilcock et al, Moore et al, and Kobayashi et al teaches *wherein the user device is a mobile device and the communication network is a wireless communication network*, as similarly explained in the rejection for claim 63, and is rejected under similar rationale.

With regards to claim 67, which depends on claim 66, Wilcock et al, Moore et al, and Kobayashi et al teaches *wherein the user interface is controllable by the mobile device*, as similarly explained in the rejection for claim 63, and is rejected under similar rationale.

Response to Arguments

11. Applicant's arguments with respect to claims 14-16, 18-20, 22-37, 48, 49, 51, 52, 54-56, 58-60, and 62-67 have been considered but are moot in view of the new ground(s) of rejection.

12. With respect to claim 14, the applicant argues that Rothmuller fails to disclose simultaneous indications, as well as sequential selection and display. Upon further evaluation, the Examiner respectfully directs the applicant to a new grounds of rejection explaining how the combination of Wilcock et al and Moore et al still teaches the argued/emphasized limitations, as explained in the rejection for claim 14 above.

13. The applicant also argues that the cited references are not properly combinable, but provides not reason/explanation, as to why they are not properly combinable. Thus, the applicant's argument is not persuasive.

14. With regards to claims 15-16, 18-20, 22-37, 48-49, 51-52, 54-56, 58-60, and 62-67 being allowable, for at least the same reasons as claim 14 is allowable; is not persuasive since claim 14 has been shown/explained to be rejected.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILSON TSUI whose telephone number is (571)272-7596. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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